

REMARKS

The specification has been amended to correct a typographical error noted therein.

Claim Rejections - 35 U.S.C. §112

The Examiner has suggested that claims 1, 20, and 34 be amended to state that the applied optical radiation "removes a plurality of hair simultaneously, so as to effect the methodology set for in the preamble." While, depending on the energy of the radiation, the radiation may in fact vaporize the hair, the main objective is to utilize the radiation to heat the follicle, and in particular the papilla, bulge and other critical portions thereof, so as to sufficiently damage the follicle that any hair therein which is not vaporize will fall out, and that hair regrowth from the follicle will either be prevented or will at least be significantly inhibited or delayed. The undersigned would be pleased to discuss with the Examiner any amendment which might be appropriate in view of the above.

With respect to claims 18 and 19, these claims relate to the embodiment discussed, in the first paragraph on page 20 under "Other Embodiments." For this embodiment of the invention, hairs are epilated prior to irradiation, epilation being removing hairs by the root by for example waxing or other techniques known in the art. The epilation is a preliminary step which is performed on the skin prior to placing the applicator in contact therewith for irradiation. Claim 19 relates to the additional step discussed in the indicated paragraph on page 20 wherein, once the hair shaft has been removed from the follicle, the now empty follicle is filled with a chromophor substance, which substance preferentially absorbs radiation at the selected wavelength. The Examiner should be aware that the general concept of performing epilation and filling the empty follicle with a chromophor prior to irradiation is taught in allowed copending application Serial No. 08/314,082 filed September 24, 1994 and owned by the assignee of this application, but that this application does not teach performing these steps in conjunction with the method of claim 1. The combination is therefore believed to be novel.



Claim 20 has been amended to change the phrase "may be" to "is" to overcome the Examiner's objection.

With respect to claim 23, this claim is claiming the applicator, for example applicator 18. The laser source is not part of this applicator, but the output from the laser source is applied to the applicator through the inlet which is specified in claim 23. The inlet is for example the light pipe 16 and possibly lens 42 (Fig. 2A), mirror 44/lens 42 (Fig. 2B), or equivalent for transferring light energy from the source into the applicator. The optical path is the space between the inlet and the contact element 46. These structural elements are therefor not interchangeable objects but are in fact separate definable elements.

Concerning the Examiner's suggestion that "surface" be referred to "contact surface" throughout claim 23, it is noted that, as currently written, the surface is defined as "a surface having a convex shape and adapted to be in pressure contact with the skin surface in said skin region." It is not believe that this language would serve as antecedent basis for the term "contact surface." The undersigned would be pleased to discuss this issue with the Examiner.

Claim Rejections Under 35 U.S.C. §102 and 35 U.S.C. §103

In the Office Action, the Examiner kindly indicated claims 7-16, 22 and 24-29 as containing allowable subject matter and further indicated that 23 would be allowable if rewritten to overcome the objections under 35 U.S.C. §112. Claim 1 has therefor been amended to incorporate the limitations of claim 7 therein and claims 10, 11, 13, and 15 have been amended to be in independent form, incorporating the limitations of claim 1 therein. Similarly, claim 20 has been amended to incorporate the limitations of claim 22 and claim 23 has been amended to incorporate the limitations of claim 27 therein. Finally, claim 30 has been amended so as to be an apparatus claim equivalent of claims 10 and 11 which were indicated as containing allowable subject matter and has been further amended to include specific wavelength, fluence and duration limitations, the combination of which is not disclosed in the prior art. Claim 31 has been amended to be substantially an apparatus claim equivalent of claim 7 with

further limitations. The remaining claims in the application are dependent on one of the above claims and should be allowable as being dependent on a claim containing allowable subject matter.

In conjunction with the filing of this amendment, the applicants are also filing an invention disclosure statement to make of record references cited in conjunction with the prosecution of the corresponding PCT application, and to also make of record references which the applicant has become aware of since the filing of the application primarily as a result of a related litigation. The Examiner is encouraged to review these references prior to making a final decision on this application.

While in view of the above, it is believed that this application should now be in condition for allowance, if the Examiner believes that there are still issues on this application, it would be appreciated if the Examiner would contact the undersigned at the telephone number indicated below so that such issues may be expeditiously resolved, avoiding the need for further office actions on this application.

Respectfully submitted,



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